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In re application of  
David P. Balding, et al.  
Serial No. 09/703,846  
Filed: November 2, 2000  
For: Method Of Selectively Shaping Hollow Fibers Of Heat  
Exchange Catheter

DECISION ON  
PETITION

This is a response to the PETITION UNDER RULE 181(a) TO WITHDRAW NOTICE OF ABANDONMENT, filed October 25, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed July 9, 2003, be withdrawn since the applicant did not receive the Office Letter of March 26, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicant or any authorized representative of the applicant did not receive the Letter of March 26, 2003. The evidence provided includes a statement by the petitioner that the Office letter mailed March 26, 2003 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter mailed March 26, 2003 was not received. Also provided is a copy of the attorney's application docket records where the Office letter mailed March 26, 2003 would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status and after issue revision will be forwarded to the Office of Publications.

The Petition is GRANTED.

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